

REMARKS

In an Office Action dated October 6, 2003, (paper no. 7), the Examiner objected to the drawings as including a reference sign not mentioned in the description, that is, reference sign "312." The Examiner also objected to the specification and claims 8-10, more specifically claim 8, due to a number of informalities. The Examiner also requested that the applicant fully describe the operation of FIGs. 5 and 6.

The Examiner rejected claims 1-10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, in particular noting an indefinite phrase in claim 1, a phrase lacking antecedent basis in claim 8, and an unclear phrase in claim 10. The Examiner further rejected claims 1-10 under 35 U.S.C. §102(b) as being anticipated by Dent (patent no. 5,425,049). The rejections and objections are traversed and reconsideration is hereby respectfully requested.

In response to the Examiner's objection to the drawings as including a reference sign not mentioned in the description and to the Examiner's request that the applicant fully describe the operation of FIGs. 5 and 6, the applicant has amended the specification in order to conform the specification to FIG. 3 and to provide a full description of FIGs. 5 and 6. In addition, the applicant has further amended the specification and claim 8 in order to bring the specification and claim 8 into compliance with Examiner's objections due to informalities.

The Examiner rejected claims 1-10 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention, in particular noting an indefinite phrase in claim 1, a phrase lacking antecedent basis in claim 8, and an unclear phrase in claim 10. The applicant has amended each of claims 1, 8, and 10 in order to clarify the unclear phrases and to correct the phrase lacking antecedent basis. Accordingly, the applicant respectfully requests that the Examiner withdraw the rejection of claims 1-10 under 35 U.S.C. §112, second paragraph.

The Examiner further rejected claims 1-10 under 35 U.S.C. §102(b) as being anticipated by Dent. Dent discloses a classic frequency hopping system wherein interference diversity is increased by staggering the frequency hopping time slots such that these are offset in different cells.

The applicant respectfully submits that Dent does not teach or even suggest a frequency hopping parameter being modified in response to an estimated interference level and a probability of the first and second cell being on the same frequency. In accordance with the claims of the pending application, the frequency hopping parameter is modified as a function of the estimated interference and the calculated probability. Thus, the calculated probability and the estimated interference are inputs to the process. In the system of Dent, the process may affect interference but the process is not based on these parameters.

Therefore, it is respectfully submitted that Dent fails to disclose any of the features of claim 1 of determining an estimated interference level corresponding to interference experienced by the first cell due to the second cell, calculating the probability of the first cell hopping to substantially the same frequency as the second cell, weighting the estimated interference level with the calculated probability, or modifying the at least one frequency hopping parameter of at least the one of the first and second cell in order to modify the weighted estimated interference level. Furthermore, Dent fails to disclose any of the features of claim 8 of fitting a probability model to the probability of cells in the network hopping to substantially the same frequency, determining the cells in the network which have a probability above a predetermined threshold of hopping to substantially the same frequency, and executing calculations for the first cell based upon the sources of interference to the first cell which are in the determined cells. Accordingly, the applicant respectfully requests that claims 1 and 8 may now be passed to allowance.

Since claims 2-7 and depend upon allowable claim 1 and claims 9 and 10 depend upon allowable claim 8, the applicant respectfully requests that claims 2-7, 9, and 10 may now be passed to allowance.

As the applicant has overcome all substantive rejections and objections given by the Examiner and has complied with all requests properly presented by the Examiner, the applicant contends that this Amendment, with the above discussion, overcomes the Examiner's objections to and rejections of the pending claims. Therefore, the applicant respectfully solicits allowance of the application. If the Examiner is of the opinion that any issues regarding the status of the claims remain after this response, the Examiner is invited to contact the undersigned representative to expedite resolution of the matter.

Respectfully submitted,

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